

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA
ex rel DAVID F. ANTOON, et al.,**

Plaintiffs,

-v-

**CLEVELAND CLINIC FOUNDATION,
et al.,**

Defendants.

Case No. C-3:10-cv-045

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER UNSEALING THIS CASE

This case is currently sealed. On September 28, 2010, the Government noticed its intention to not intervene in this case. Therein the Government requested that only the Complaint, the Government's notice and the Court's Order be unsealed and served upon the Defendants. (Doc. #6.) On November 29, 2010, the Court ordered the Complaint dismissed without prejudice because the Plaintiffs could not proceed pro se in this False Claims Act ("FCA") case, the Government had declined to intervene and the Plaintiffs had not obtained counsel. (Docs. #8 and #10.) However, the Court did not order the case unsealed at that time.

Another similar case brought by these same Plaintiffs has now been appealed and attorneys desire to view the Complaint in this case. Further, the FCA provides that an FCA case may be sealed so long as the Government is deciding whether to intervene.

In this case, the record indicates that the Government has made its decision regarding intervention. Therefore, there is no longer any reason for this case to remain sealed. As a result, the Complaint (doc. #1), the Government's Notice of Election To Decline Intervention (doc. #6)

and subsequent Court orders are hereby ordered unsealed.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Fourth Day of February, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

David F. Antoon and Linda R. Antoon at their last known address of record